

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
GREENVILLE DIVISION**

Jacob Baker,	)	
	)	
Plaintiff,	)	Civil Action No. 6:12-cv-3154-JMC
	)	
vs.	)	<b>OPINION AND ORDER</b>
	)	
Federal Election Commission, President	)	
Barak Obama, George W. Bush,	)	
Mitt Romney, Virgil Goode, Jill Stein	)	
	)	
	)	
Defendants.	)	
	)	

This matter is before the court on Plaintiff’s Motion for Reconsideration [Dkt. No. 32] and Motion to Alter Judgment [Dkt. No. 34] filed in response to this court’s Order [Dkt. No. 28] adopting the Magistrate Judge’s Report and Recommendation (“Report”) [Dkt. No. 13]. For the reasons stated below, Plaintiff’s Motion for Reconsideration and Motion to Alter Judgment are **DENIED**.

**FACTUAL AND PROCEDURAL BACKGROUND**

Plaintiff brought this action seeking relief pursuant to Title 42 U.S.C. § 1983 [Dkt. No. 1]. Because Plaintiff failed to allege that a right secured by the Constitution or laws of the United States was violated and thus failed to satisfy the first element of a § 1983 claim, the Report, filed on November 14, 2012, recommended that Plaintiff’s Complaint [Dkt. No. 1] be dismissed *without* prejudice and without issuance and service of process [Dkt. No. 13 at 3]. The court adopted the Report [Dkt. No 28 at 2] and entered judgment in favor of defendants [Dkt. No. 29] on January 29, 2013. Plaintiff timely filed a Motion for Reconsideration on February 7, 2013 [Dkt. No. 32], and a Motion to Alter Judgment on February 13, 2013 [Dkt. No. 34]. He

also submitted two letters regarding his case, filed on February 12, 2013, and February 15, 2013, respectively [Dkt. Nos. 33 and 35]. In these letters, Plaintiff states that his cases “need to be handle” and “need to go to trial” [Dkt. No. 35 at 1]. He also requests “legal forms 2d, 60 A.L.R. 5<sup>th</sup> 619 23:55 Fees and Costs-Payment; (23:56 Costs of Parties); 23:209 Costs and Attorneys-where award not authorized” [Dkt. No. 35 at 1], as well as a “Petition Warranty of Title Judicial § 153 Necessary Interest and Control in Case Prejudicially Affected” [Dkt. No. 35 at 2] (all spelling, grammar, capitalization, and punctuation are Plaintiff’s).

### LEGAL STANDARD

The court may alter or amend a judgment if the movant shows either (1) an intervening change in the controlling law; (2) new evidence that was not available at trial; or (3) that there has been a clear error of law or a manifest injustice. *Robinson v. Wix Filtration Corp.*, 599 F.3d 403, 407 (4th Cir. 2010); Fed. R. Civ. P. 59(e).<sup>1</sup> “In general ‘reconsideration of a judgment after its entry is an extraordinary remedy which should be used sparingly.’” *Pac. Ins. Co. of Am. v. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (quoting 11 WRIGHT ET AL., FEDERAL PRACTICE AND PROCEDURE § 2810.1, at 124 (2d ed. 1995)).

### DISCUSSION

In his Motion for Reconsideration and Motion to Alter Judgment, Plaintiff does not demonstrate an intervening change in the controlling law, nor does he present any new evidence. Furthermore, Plaintiff does not show that he will suffer a manifest injustice as a result of the court’s Order or that the court’s Order was in clear error of law. Instead, he repetitively insists that federal investigations should take place in “law office[s].” *See* [Dkt. Nos. 32 and 34.] He

---

<sup>1</sup> Motions for Reconsideration are often considered under the Rule 59(e) standard. *Katyle v. Penn Nat. Gaming, Inc.*, 637 F.3d 462, 470 n. 4 (4th Cir. 2011) (citing *Shepherd v. Int’l Paper Co.*, 372 F.3d 326, 328 n. 1 (5th Cir. 2004)); *Lavespere v. Niagara Machine & Tool Works, Inc.*, 910 F.2d 167, 173 (5th Cir. 1990). Thus, both of Plaintiff’s motions are appropriately considered together.

also sets forth several personal opinions about the inner-workings and operations of the federal courts. *See* [Dkt. Nos. 32 and 34.] These allegations do not rise to the level required for the court to amend its judgment. Moreover, Plaintiff's complaint was dismissed without prejudice to refile it.

### **CONCLUSION**

For the foregoing reasons, it is hereby **ORDERED** that Plaintiff's Motion for Reconsideration [Dkt. No. 32] and Motion to Alter Judgment [Dkt. No. 34] are **DENIED**.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read "J. Michelle Gibbs". The signature is written in a cursive, flowing style.

United States District Judge

June 18, 2013  
Greenville, South Carolina